

CUSTOMER NO.: 24498
Serial No.: 10/761,512
Office Action dated: January 23, 2009

PATENT
PF030028

REMARKS

The Office Action mailed January 23, 2009 has been reviewed and carefully considered. No new matter has been added.

Claims 1, 13, and 26 have been amended. Claims 8, 20, and 25 have been cancelled, without prejudice. New Claim 27 has been added. Claims 1-7, 9-13, 15-19, 21-24, and 26-27 are pending.

Claims 1-13, 15-18, 20, 21, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,904,522 to Bernardeau et al. (hereinafter "Bernardeau"). Claims 19, 22, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bernardeau in view of U.S. Patent Application Publication No. 2006/0212399 to Akiyama (hereinafter "Akiyama"). Claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bernardeau in view of Akiyama in further view of U.S. Patent No. 7,302,571 to Nobel et al. (hereinafter "Nobel").

As noted above, Claims 1 and 13 have been amended. Support for the amendments to Claims 1 and 13 may be found at least at page 10, lines 1-4 of the Applicants' specification.

It is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations of Claim 1:

a master digital terminal and at least one slave digital terminal adapted to generally simultaneously receive protected digital data from a transmitter, the at least one slave digital terminal being connected to the master terminal by a link, wherein said at least one slave digital terminal is adapted to receive a message from the transmitter instructing said at least one slave digital terminal to delete stored information necessary for accessing said protected digital data, to request, after receiving the message, from the master digital terminal new information necessary for accessing said protected digital data, and await the new information until an expiration of a predetermined deadline counted from a transmission of the request.

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Further, it is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations of Claim 13:

A digital terminal intended to receive protected digital data from a transmitter generally simultaneously with a second digital terminal, wherein the digital terminal is adapted to receive a message from the transmitter instructing the digital terminal to delete stored information necessary for accessing said data and received by the second digital terminal to which it can be connected, to request, after receiving the message, from the second digital terminal new information necessary for accessing said protected digital data, and await the new information until an expiration of a predetermined deadline counted from a transmission of the request.

For example, none of the cited references teach a "delete" message as essentially recited in Claims 1 and 13, let alone any time interval counted or a specific deadline (i.e., the "predetermined deadline") as explicitly recited in Claims 1 and 13. It is to be noted that at least some of the limitations now recited in amended Claims 1 and 13 correspond to limitations previously recited in now cancelled Claims 8 and 20. While the Examiner has argued with respect to at least now cancelled Claim 8 that the recited predetermined deadline corresponds to the expiration of the session keys disclosed in Bernardeau as the session keys in Bernardeau are valid for the entire connection period, the entire film or, possibly a time related to the creation of the session key (see, e.g., Bernardeau, col. 14, lines 16-24), NONE of which correspond to the predetermined deadline recited in Claims 1 and 13. Further, with respect to the arguments made by the Examiner with respect to the limitations of now cancelled Claim 20 which have been incorporated into Claims 1 and 13, it is respectfully asserted that contrary to the Examiner's arguments, the subject matter of Claims 1 and 13 involve deleting the information before the new entitlements arrive, hence rendering the Examiner's argument as moot.

Hence, none of the cited references teach or suggest all the above recited limitations of Claims 1 and 13.

Moreover, it is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations of Claims 19 and 22:

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wherein the information necessary for accessing said protected digital data comprises filter parameters for extracting from the data stream received by the slave digital terminal a message containing access entitlements to the services for the slave digital terminal, and

wherein the at least one slave digital terminal comprises filters that use the filter parameters to extract the message containing the access entitlements

In contrast, Bernardeau actually does not perform a filtering operation. Rather, Bernardeau extracts messages from the data stream (without any filtering), and is only able to decrypt an extracted message if the correct key is possessed. Thus, while the Examiner seems to be equating simple possession of the session key to having the proper filter parameters, Bernardeau can readily extract messages without any filtering or key, but requires the correct key in order to decrypt an extracted message. Hence, Bernardeau also does not teach or suggest all of the above recited limitations of Claims 19 and 22. Further, Akiyama does not cure the deficiencies of Bernardeau, and is silent with respect to the above recited limitations of Claims 19 and 22. For example, Akiyama is silent with respect to the information necessary for accessing said protected digital data comprising filter parameters for extracting from the data stream received by the slave digital terminal a message containing access entitlements to the services for the slave digital terminal as essentially recited in Claims 19 and 22. Simply having a filter that separates incoming packets as allegedly disclosed by Akiyama does not teach or even remotely suggest filter parameters comprised in the protected data, let alone filter parameters for extracting from a data stream a message containing entitlements as essentially recited in Claims 19 and 22.

Hence, none of the cited references teach or suggest all the above recited limitations of Claims 19 and 22.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981,

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180 USPQ 580 (CCPA 1974)). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, Claims 1, 13, 19, and 22 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-12, 15, 17, 20, 21, and 23-24 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Claims 16 and 18 depend from Claim 13 or a claim which itself is dependent from Claim 13 and, thus, includes all the elements of Claim 13. Claim 26 depends from Claim 19 and, thus, includes all the elements of Claim 19. Accordingly, Claims 2-12, 15, 17, 20, 21, and 23-24 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, Claims 16 and 18 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 13, and Claim 26 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 19.

Thus, reconsideration of the rejection is respectfully requested.

As noted above, new Claim 27 has been added.

Support for Claim 27 may be found at least at Figure 5 and the corresponding text of the Applicants' specification.

It is respectfully that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations of newly added Claim 27:

System for receiving broadcast digital data comprising:

a master digital terminal and at least one slave digital terminal adapted to generally simultaneously receive protected digital data from a transmitter, the at least one slave digital terminal being connected to the master terminal by a link,

wherein said slave digital terminal is adapted to receive from the transmitter a first part of information necessary for accessing said protected digital data, to receive from the master terminal a second part of the information necessary for accessing said protected digital data provided that it is received from the master digital terminal within a predetermined deadline, wherein the first

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part and the second part of the information enable accessing at least one decryption key for the protected digital data.

Thus, new Claim 27 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of January 23, 2009 be withdrawn, that pending claims 1-7, 9-13, 15-19, 21-24, and 26-27 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,
Philippe Leyendecker, et al.

By: _____



Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Paul Kiel, Attorney for
Applicants
Registration No.: 40,677
(609) 734-6815

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